

Remarks

Reconsideration of this application in view of the following remarks is respectfully requested.

In response to the rejection of claim 13-21 under 35 USC 103(a) for being obvious in view of the combination of US6208643 to Dieterich and US5703877 to Nuber, the applicant traverses the rejection because the examiner has not made a prima facie case that it would have been obvious to combine these citations and because these citations fail to disclose the claimed invention.

The examiner has failed to make a prima facie case for obviousness, because he has not provided any evidence that it was obvious for those skilled in the art to combine these citations when the invention was made. The examiner has not provided any evidence that it was obvious to combine Dieterich with Nuber. The examiner has just made the bald unsupported assertion that it was obvious.

As explained in the specification at page 1, lines 16-20, Applicants determined that "discontinuities occur in a real time stream due to concatenation of different streams of different programs with a mutually different time base after for instance editing, the correct timing after such a discontinuity should be restored when starting processing the Transport Packets of a second sequence. However, the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity."

The examiner has not shown that when the invention was made, it was known by those of ordinary skill in the art, that "the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity", which those skilled in the art would have to know before there would have been any motivation for them to combine these citations.

Even if those skilled in the art had known that "the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity", the examiner has not explained why it would have been obvious to combine the citations to solve the problem of the invention.

The portions pointed out by the examiner in the combination of Dieterich with Nuber fails to show all the elements of the inventions of claims 13-21. More specifically, the combination does not disclose "a combiner that is configured to append the

packet arrival timestamp to each corresponding information signal packet" as recited in claim 13. Also, the combination does not disclose "the combiner is configured to associate the system start time with the sequence of information packets" as recited in claim 13. Claims 13-20 are dependent on claim 13 and are allowable for at least the same reasons. Claim 21 is dependent on claim 5 which the examiner already admitted (on page 10 of the Office Action) is not fully disclosed by the combination of Dieterich with Nuber.

In response to the rejection of claim 1-5, 7-8, 11-12 under 35 USC 103(a) for being obvious in view of the combination of Dieterich and Nuber (identified above) as well as US5898695 to Fuji, the applicant traverses the rejection because the examiner has not proved that it would have been obvious to combine these citations when the invention was made, and because these citations fail to disclose the claimed invention.

The examiner has failed to make a prima facie case for obviousness, because he has not proven that it was obvious for those skilled in the art to combine these citations when the invention was made. The examiner has not provided any evidence or argument proving that it was obvious to combine Dieterich, Nuber, and Fuji. The examiner has just made the bald unsupported assertion that it is obvious to add the element "determining of PAT of the signal" without explaining why it is obvious to add "determining of PAT of the signal".

As explained in the specification at page 1, lines 16-20, Applicants determined that "discontinuities occur in a real time stream due to concatenation of different streams of different programs with a mutually different time base after for instance editing, the correct timing after such a discontinuity should be restored when starting processing the Transport Packets of a second sequence. However, the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity.

The examiner has not shown that it was well known in the art that "the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity", which those skilled in the art would have to know before there would have been any motivation for them to combine these citations.

Even if those skilled in the art had known that "the Packet Arrival Time (PAT) timestamp counter will be discontinuous after such a discontinuity", the examiner has not explained why it

would have been obvious to combine the citations to solve the problem of the invention.

The portions pointed out by the examiner in the combination of Dieterich, Nuber and Fuji, fails to show all the elements of the inventions of claims 1-5, 7-8, 11-12. More specifically, the indicated portions of the combination does not disclose "appending a Packet Arrival Timestamp (PAT) corresponding to the packet arrival time to each packet " as recited in claim 1. Also, the indicated portions of the combination does not disclose "determining a number of counts of the local System Time Clock Counter (STC) between the first and the second Packet Arrival Timestamps (PAT) " as recited in claim 13. Claims 13-20 are dependent on claim 13 and are allowable for at least the same reasons. Claim 21 is dependent on claim 5 which the examiner already admitted (on page 10 of the Office Action) is not fully disclosed by the combination of Dieterich with Nuber.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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